

United States District Court

WESTERN

DISTRICT OF

TEXAS, EL PASO DIVISION

UNITED STATES OF AMERICA

FILED

CRIMINAL COMPLAINT

V.

DEC 28 2007

CASE NUMBER:

07-5915m

Luis Alfonso ESPINOZA-Morales

AKA: Jose Ivan LOPEZ-Estrada; Jose LOPEZ

W/ Male

EPT 08-498-1228

(Name and Address of Defendant)

U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY mm
DEPUTY CLERK

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 27, 2007 in El Paso county, in the

Western District of Texas DEFENDANT (s) did, (Track Statutory Language of Offense)

an alien who had been excluded, deported, and removed from the United States and who had not received consent to reapply for admission from the Attorney General of the United States or the Secretary of Homeland Security, the successor, pursuant to Title 6, United States Code, Sections 202(3), 202(4), and 557, was found in the United States

in violation of Title 8 United States Code, Section(s) 1326

Prosecutions Officer

I further state that I am a (n) Senior Patrol Agent and that this complaint is based on the following facts:

Official Title

On December 27, 2007 at approximately 2125 hours, National Guard Camera Operator advised of three subjects making an illegal entry into the United States approximately 1.5 miles west of the Ysleta Port of Entry. Border Patrol Agents Lorenzo Villescass and Adam Johns responded to the area. National Guard advised Agent Villescass of one subject hiding within a drainage ditch. Agent Villescass approached the individual, identified himself as a Border Patrol Agent, and questioned him as to his citizenship. The subject, later identified as the defendant Luis Alfonso ESPINOZA-Morales, admitted to being a citizen and national of Mexico without documents allowing him to be or remain in the United States legally. The other two subjects were apprehended by Agent Johns. All subjects were taken to the Ysleta Port of Entry for further investigation.

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

Signature of Complainant

Lucia S. Ramirez

Sworn to before me and subscribed in my presence,

December 28, 2007

Date

Richard P. Mesa

United States Magistrate Judge

Name & Title of Judicial Officer

El Paso, Texas

City and State



Signature of Judicial Officer

CONTINUATION OF CRIMINAL COMPLAINT

WESTERN DISTRICT OF TEXAS

Luis Alfonso ESPINOZA-Morales

AKA: Jose Ivan LOPEZ-Estrada; Jose LOPEZ

Juarez, Chihuahua, Mexico

EPT 08-498-1228

December 28, 2007

FACTS (CONTINUED)

The DEFENDANT was enrolled into the ENFORCE/IDENT/IAFIS system. The system indicated an alert for possible immigration and criminal history and the DEFENDANT was read his rights. Additional investigation of the DEFENDANT'S records checks through the Central Index (CIS) and the Deportable Alien Control (DACS) computer database systems revealed the following IMMIGRATION HISTORY:

1. On January 12, 2005 the DEFENDANT was removed from the United States, back to Mexico, as a Mexican National through El Paso, Texas.
2. On September 23, 2005 the DEFENDANT was removed from the United States, back to Mexico, as a Mexican National through El Paso, Texas.
3. On April 4, 2006 the DEFENDANT was removed from the United States, back to Mexico, as a Mexican National through Del Rio, Texas.

Further review of the DEFENDANT'S Immigration Records found no evidence that the DEFENDANT has applied for or received permission from the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission into the United States.

Further investigation of the DEFENDANT'S criminal records through the National Crime Information Center (NCIC) computer database system revealed the following CRIMINAL HISTORY:

1. On December 9, 2004 the DEFENDANT was convicted of Theft Stolen Property and was sentenced to 10 days confinement (County Court No. 4; Cause No. 20040C17635; El Paso, Texas).
2. On September 7, 2005 the DEFENDANT was convicted of 8 USC 1325 and was sentenced to 30 days confinement (US District Court, Western District of Texas; Case # 05-4116G; El Paso, Texas).
3. On October 19, 2005 the DEFENDANT was convicted of 8 USC 1325 and was sentenced to 6 months confinement (US District Court, Western District of Texas; Case # 05-4752MC; El Paso, Texas).